



17W 3763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert James TRIBE et al.

Serial No. 09/920,728

Filed: August 3, 2001

For: SYRINGE PUMPS

Art Unit: 3763

Examiner: Rodriguez, Cris L.

Atty Docket: 0100/0131

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a response to the Office Action dated July 24, 2006 in which the examiner has rejected claims 1, 5 and 10 under 35 U.S.C. 102(a) as being anticipated by Ford (GB 2352637), and further rejected claims 4 and 8 under 35 U.S.C. 103(a) as being obvious over Ford and further rejected claim 9 as being obvious over the combination of Ford and Moberg (US 6,362,591).

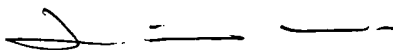
It is respectfully submitted that the Ford reference is not a valid prior art reference against the instant application insofar as the Ford publication date was February 7, 2001, whereas the instant application claims priority from a UK application (GB 0020060.0) that was filed on August 16, 2000. Ford '637 was listed on page 1 of the instant application because it was published prior to the U.S. application date of the instant invention, which claims priority from the earlier UK application. This is evidenced by the fact that the UK application (GB 0020060.0) from which the instant application claims priority listed on page 1 the application number (GB 0014483) of Ford '637. The fact that the application that led to the Ford '637 publication is listed on page 1 of the UK priority document does not make

it prior art since it was a co-pending application that published only after the priority UK application of the instant application was filed. The UK publication number (GB 23052637) of the Ford application was added in place of its application number (GB 0014483) for the filing of the U.S. application. Thus, Ford '637 was published only after the filing of the priority document of the instant application. Accordingly, Ford '637 is not a valid reference against the instant application.

Inasmuch as Moberg was used in combination with Ford for rejecting claim 10, and Moberg was discussed at length during the earlier prosecution of this case, it is believed that there is no need to discuss Moberg.

In view of the foregoing, applicant respectfully submits that the instant invention is patentable over the prior art, accordingly, the examiner is respectfully requested to reconsider the application and allow the pending claims at an early date.

Respectfully submitted,



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Date: Oct 6, 2006